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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,215	03/23/2000	Giovanni Manfre	33471/GM/vp	1140
7590 06/14/2005 Modiano Josif Pisanty & Staub Via Meravigli 16 30123 Milano, ITALY			EXAMINER SHAHER, RICKY D	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/533,215

Applicant(s)

MANFRE ET AL.

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 April 2005 has been entered.
2. Applicant's arguments filed 01 April 2005 have been fully considered but they are not persuasive.

Applicant's general allegations that the relationship between the radius of curvature (R) and the (X), (Y) and (Z) coordinates of the reflecting surface, the relationship between the angular magnification (M) and the (Z) coordinate of the reflecting surface and the dependency of the curvature factor (C), the shape factor (S) and the correction factor (A) on the distance (E) and angular magnification (M) is unsupported by any factual evidence to support applicant's conclusion that the subject matter to which the claimed invention pertains, at the time the invention was filed, was well-known to those skilled in the art.

The examiner acknowledges applicant's citations to "Modern Optical Engineering-The Design of Optical Systems" by Smith J. Warren (second edition), McGraw-Hill, New York, (1990), and "Eric Weisstein's World of Mathematics" ([mathworld.wolfram.com/Osculating Circle/](http://mathworld.wolfram.com/OsculatingCircle/))Eric W Weisstein © 1999 CRC Press L.L.C. and the references therein to Gray 1997 and Krevszig 1991.

However, applicant failed to provide a copy of the relevant page(s). In addition, applicant failed to particularly point out with any specificity as to what portion and/or portions of the

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above mentioned citations, applicant is relying on, to support applicant's conclusion that the subject matter to which the claimed invention pertains is well-known to those skilled in the art.

Accordingly, the rejection is maintained.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10-17, 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, as originally filed, fails to provide an adequate written description as to the relationship between the radius of curvature (R) and the (X), (Y) and (Z) coordinates of the reflecting surface, as recited in claims 10 and 19. See page 5, line 2 to page 6, line 28 of the specification.

The specification, as originally filed, fails to provide an adequate written description as to the relationship between the angular magnification (M) and the (Z) coordinate of the reflecting surface, as recited in claims 10 and 19. See page 5, line 2 to page 6, line 28 of the specification.

The specification, as originally filed, fails to provide an adequate written description as to the dependency of the curvature factor (C), the shape factor (S) and the correction factor (A) on the distance (E) and angular magnification (M), as recited in claims 10 and 19. See page 5, line 2 to page 6, line 28 of the specification.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10-17, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 19 are vague, indefinite and/or confusing due to the fact that applicant fails to particularly point out and distinctly claim the cooperative relationship between the various parameters of the claims.

It is unclear to the examiner as to the relationship between the radius of curvature (R) and the (X), (Y) and (Z) coordinates of the reflecting surface, as recited in claims 10 and 19.

In addition, it is unclear to the examiner as to the relationship between the angular magnification (M) and the (Z) coordinate of the reflecting surface, as recited in claims 10 and 19.

Moreover, it is unclear to the examiner as to the dependency of the curvature factor (C), the shape factor (S) and the correction factor (A) on the distance (E) and angular magnification (M), as recited in claims 10 and 19.

It is unclear to the examiner what "design requirements" of the vehicle applicant is referring too and how such requirements relate to selecting values for the distance (E) and the angular magnification (M), as recited in claims 10 and 19.

Thus, the metes and bounds of the claims can not be determined.

Claim 17 is vague and indefinite due to the fact said claim depends from a canceled claim (claim 2).

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7. Receipt is acknowledged of the Replacement drawing sheets filed on 01 April 2005.

However, the Replacement sheet containing newly amended Fig. 4 is not acceptable.

8. The amendment filed 01 April 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The Replacement sheet containing newly amended Fig. 4 having a reference character "E" (distance) being defined and/or represented between reference numeral 14 and an eye of an observer is considered to be new matter due to the fact that flat surface 15 faces "objects" to be detected (see claim 10 and 19).

Applicant is required to cancel the new matter in the reply to this Office Action.

9. The drawings are objected to because the Replacement sheet containing newly amended Fig. 4 is considered to be new matter for the reason stated above. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

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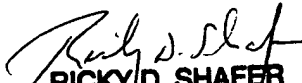
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the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

June 11, 2005


RICKY D. SHAFER
PATENT EXAMINER
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